

# EXHIBIT O

January 24, 2014

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

**Re: Immigration detention bed mandate in FY 2015 DHS Appropriations**

Dear President Obama:

We, the 131 undersigned non-governmental civil rights, civil liberties, human rights, legal services, and faith-based organizations, urge the Administration to request flexibility to transfer funds between the accounts for detention and alternatives to detention and reject the principle of a mandated daily detention level in its FY 2015 budget request to Congress.

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of DHS, detains approximately 34,000 individuals across the country each day – about 400,000 annually – in a network of county jails, privately run contract facilities, and federal facilities that costs taxpayers \$2 billion each year. Congressional appropriations language covering ICE’s detention budget – most recently referenced in the Consolidated Appropriations Act of 2014 – states “[t]hat funding made available under this heading shall maintain a level of not less than 34,000 detention beds.” Because ICE and some members of Congress interpret the language to require ICE to maintain and fill 34,000 beds daily, it has become known as the detention bed “mandate.” The number itself is completely arbitrary, and the concept of a legislatively mandated detention quota is an aberration among law enforcement agencies.<sup>1</sup>

ICE’s daily detention level should be determined only by actual need, based on individualized case-by-case assessments of whether detention is warranted. As former DHS Secretary Janet Napolitano acknowledged before Congress, the Department “ought to be managing the actual detention population to risk, not to an arbitrary number.”<sup>2</sup>

Immigration detention is civil detention, as opposed to punitive incarceration, and is meant to ensure compliance with immigration court hearings and final orders of removal. For many men and women, detention is not necessary to meet this limited purpose. Alternatives to detention (ATDs) – widely used in criminal justice systems across the country, and to a limited degree by ICE already – are effective and far less costly than detention. Alternatives to detention are recommended as cost-savers by the American Jail

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<sup>1</sup> For more information, *see*

<http://immigrantjustice.org/sites/immigrantjustice.org/files/Bed%20Mandate%20101%20Backgrounder%20FINAL.pdf>.

<sup>2</sup> House Committee on Appropriations, Subcommittee on Homeland Security, “House Appropriations Subcommittee on Homeland Security Hearing on President Obama’s Fiscal 2014 Budget Proposal for the Homeland Security Department,” 113<sup>th</sup> Congress, April 11, 2013, *available at* [http://www.micevhill.com/attachments/immigration\\_documents/hosted\\_documents/113th\\_congress/TranscriptOfHouseAppropriationsSubcommitteeHearingOnFY14DHSAppropriations.pdf](http://www.micevhill.com/attachments/immigration_documents/hosted_documents/113th_congress/TranscriptOfHouseAppropriationsSubcommitteeHearingOnFY14DHSAppropriations.pdf).

Association, American Probation and Parole Association, American Bar Association, Association of Prosecuting Attorneys, Heritage Foundation, International Association of Chiefs of Police, National Conference of Chief Justices, National Sheriffs' Association, Pretrial Justice Institute, Texas Public Policy Foundation (home to Right on Crime), and the Council on Foreign Relations' Independent Task Force on U.S. Immigration Policy.<sup>3</sup> A shift from detention to ATDs, including bond and release on recognizance when appropriate, could save taxpayers an estimated \$1.44 billion annually – a 79 percent reduction in immigration detention costs.<sup>4</sup>

In recent months, news outlets including the Washington Post, the Houston Chronicle, Univision, Bloomberg, Reuters, National Public Radio, The Hill, and Reason.com have covered this issue.<sup>5</sup> In June 2013, Representatives Ted Deutch (D-FL) and Bill Foster (D-IL) introduced an amendment to strike the bed mandate from the House's FY 2014 DHS Appropriations bill. It did not pass, but 190 representatives, including eight Republicans, voted for the amendment.

Broad consensus is beginning to align with common-sense fiscal responsibility, best practices in law enforcement, and basic due process principles. The mandate should be eliminated. We urge you to make it clear to Congress that the mandate hinders the

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<sup>3</sup> See American Jail Association, Resolution on Pretrial Justice (Oct. 24, 2010), *available at* <http://www.pretrial.org/download/policy-statements/AJA%20Resolution%20on%20Pretrial%20Justice%202011.pdf>; American Probation and Parole Association, APPA Supports Pretrial Supervision Services (June 15, 2010), *available at* [http://www.appa-net.org/eweb/Dynamicpage.aspx?webcode=IE\\_NewsRelease&wps\\_key=4ce5b0cc-e5d6-4407-bcab-096640386f02](http://www.appa-net.org/eweb/Dynamicpage.aspx?webcode=IE_NewsRelease&wps_key=4ce5b0cc-e5d6-4407-bcab-096640386f02); American Bar Association, ABA Criminal Justice Standards on Pretrial Release – Third Edition (Oct. 28, 2002), *available at* <http://www.pretrial.org/wpfb-file/aba-standards-on-pretrial-release-2002-pdf/>; Association of Prosecuting Attorneys, Policy Statement on Pretrial Justice, *available at* <http://www.pretrial.org/wp-content/uploads/2013/02/APA-Pretrial-Policy-Statement.pdf>; Matt Mayer, The Heritage Foundation, Heritage Web Memo 3455: Administrative Reforms Insufficient to Address Flawed White House Immigration and Border Security Policies (Jan. 10, 2012), *available at* <http://www.heritage.org/research/reports/2012/01/administrative-reforms-in-immigration-and-border-security-policies>; International Association of Chiefs of Police, "Law Enforcement's Leadership Role in the Pretrial Release and Detention Process (Feb. 2011), *available at* <http://www.pretrial.org/wp-content/uploads/2013/02/IACP-LE-Leadership-Role-in-Pretrial-20111.pdf>; National Conference of Chief Justices, Resolution 3, Endorsing the Conference of State Court Administrators Policy Paper on Evidence-Based Pretrial Release (Jan. 13, 2013), *available at* <http://www.pretrial.org/wp-content/uploads/2013/02/CCJ-Resolution-on-Pretrial-1.pdf>; National Sheriffs' Association, National Sheriffs' Association Supports and Recognizes the Contribution of Pretrial Services Agencies to Enhance Public Safety (June 18, 2012), *available at* <http://www.pretrial.org/wp-content/uploads/filebase/policy-statements/NSA%20Pretrial%20Resolution.pdf>; Pretrial Justice Institute, The Solution, *available at* <http://www.pretrial.org/solutions/>; Marc Levin, Texas Public Policy Foundation, "Public Safety and Cost Control Solutions for Texas County Jails (Mar. 6, 2012), *available at* <http://www.texaspolicy.com/center/effective-justice/reports/public-safety-and-cost-control-solutions-texas-county-jails>; and Council on Foreign Relations' Independent Task Force, Task Force Report: U.S. Immigration Policy (July 2009), *available at* <http://www.cfr.org/immigration/us-immigration-policy/p20030>.

<sup>4</sup> National Immigration Forum, "The Math of Immigration Detention," August 2013, p. 11, *available at* <http://www.immigrationforum.org/images/uploads/mathofimmigrationdetention.pdf>.

<sup>5</sup> For links to recent media coverage, *see* [http://immigrantjustice.org/sites/immigrantjustice.org/files/MediaCoverage\\_DetentionBedMandate\\_2013%2011%2004.pdf](http://immigrantjustice.org/sites/immigrantjustice.org/files/MediaCoverage_DetentionBedMandate_2013%2011%2004.pdf).

Administration's efforts to run a cost-efficient, effective, and just immigration enforcement system.

For more information, please contact Lutheran Immigration and Refugee Service's Brittney Nystrom ([bnystrom@lirs.org](mailto:bnystrom@lirs.org) or 202-626-7943) or Human Rights First's Katharina Obser ([obserk@humanrightsfirst.org](mailto:obserk@humanrightsfirst.org) or 202-888-7596).

Sincerely,

**National/International Organizations**

The Advocates for Human Rights  
America's Voice Educational Fund  
American Civil Liberties Union  
American Federation of State, County and Municipal Employees (AFSCME)  
American Friends Service Committee  
American Immigration Lawyers Association (AILA)  
Amnesty International USA  
Arab American Institute  
Asian Americans Advancing Justice | Asian Law Caucus  
Asian Americans Advancing Justice-AAJC  
Association of Asian Pacific Community Health Organizations  
Black Alliance for Just Immigration (BAJI)  
Blacks in Law Enforcement of America  
Campaign for Community Change  
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Center for Constitutional Rights  
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Community Initiatives for Visiting Immigrants in Confinement (CIVIC)  
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Defending Dissent Foundation  
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Fair Immigration Reform Movement  
Farmworker Justice  
Friends Committee on National Legislation  
Grassroots Leadership  
Hispanic Federation  
Human Rights Defense Center

Human Rights First  
Human Rights Watch  
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Immigration Equality Action Fund  
In The Public Interest  
Jesuit Refugee Service/USA  
Justice Strategies  
Lambda Legal  
Leadership Conference of Women Religious  
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Lutheran Immigration and Refugee Service  
Mennonite Central Committee U.S. Washington Office  
NAACP  
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South Asian Americans Leading Together (SAALT)  
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United We Dream  
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Women's Refugee Commission

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Pax Christi New Jersey  
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Racial Justice Action Center  
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Reformed Church of Highland Park  
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Services, Immigrant Rights, and Education Network (SIREN)  
*California*

Sisters of Mercy West Midwest Community  
*Nebraska*

Southeast Immigrant Rights Network  
*Southeast*



Southern Poverty Law Center  
*South*

Stop The Checkpoints  
*Washington*

Tacoma Community House  
*Washington*

Washington DREAM Act Coalition  
*Washington*

WeCount!  
*Florida*

Wind of the Spirit, Immigrant Resource Center  
*New Jersey*

cc: Cecilia Munoz, Assistant to the President and Director, Domestic Policy Council,  
Executive Office of the President

Felicia Escobar, Senior Policy Director for Immigration, Domestic Policy  
Council, Executive Office of the President

Sylvia Mathews Burwell, Director, Office of Management and Budget

Jeh Johnson, Secretary, Department of Homeland Security

Alejandro Mayorkas, Deputy Secretary, Department of Homeland Security

John Sandweg, Acting Director, Immigration and Customs Enforcement,  
Department of Homeland Security

January 24, 2014

Senator Barbara Mikulski  
Chair, Senate Appropriations Committee  
503 Hart Senate Office Building  
Washington, DC 20510

Representative Harold Rogers  
Chair, House Appropriations Committee  
2406 Rayburn House Office Building  
Washington, DC 20515

Senator Richard C. Shelby  
Ranking Member, Senate Appropriations  
Committee  
304 Russell Senate Office Building  
Washington, DC 20510

Representative Nita M. Lowey  
Ranking Member, House Appropriations  
Committee  
2365 Rayburn House Office Building  
Washington, DC 20515

Senator Mary Landrieu  
Chair, Senate Appropriations  
Committee, Homeland Security  
Subcommittee  
703 Hart Senate Office Building  
Washington, DC 20510

Representative John Carter  
Chair, House Appropriations  
Committee, Homeland Security  
Subcommittee  
409 Cannon House Office Building  
Washington, DC 20515

Senator Dan Coats  
Ranking Member, Senate Appropriations  
Committee, Homeland Security  
Subcommittee  
493 Russell Senate Office Building  
Washington, DC 20510

Representative David Price  
Ranking Member, House Appropriations  
Committee, Homeland Security  
Subcommittee  
2162 Rayburn House Office Building  
Washington, DC 20515

**Re: Immigration detention bed mandate in FY 2015 DHS Appropriations**

Dear Chair Mikulski, Ranking Member Shelby, Chair Landrieu, Ranking Member Coats, Chair Rogers, Ranking Member Lowey, Chair Carter, and Ranking Member Price:

We, the 131 undersigned non-governmental civil rights, civil liberties, human rights, legal services, and faith-based organizations, urge you not to include immigration detention bed mandate language in the appropriations bill that funds the U.S. Department of Homeland Security (DHS) for FY 2015.

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of DHS, detains approximately 34,000 individuals across the country each day – about 400,000 annually – in a network of county jails, privately run contract facilities, and federal facilities that costs taxpayers \$2 billion each year. Congressional appropriations language covering ICE’s detention budget – most recently referenced in the Consolidated Appropriations Act of 2014 – states “[t]hat funding made available under this heading shall maintain a level of not less than 34,000 detention beds.” Because ICE and some members of Congress interpret the language to require ICE to maintain and fill 34,000 beds daily, it has become known as the detention bed “mandate.” The number itself is

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recognizance when appropriate, could save taxpayers an estimated \$1.44 billion annually – a 79 percent reduction in immigration detention costs.<sup>4</sup>

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Broad consensus is beginning to align with common-sense fiscal responsibility, best practices in law enforcement, and basic due process principles. The mandate should be eliminated. We urge you to lead the way during the FY 2015 appropriations process.

For more information, please contact Lutheran Immigration and Refugee Service's Brittney Nystrom ([bnystrom@lirs.org](mailto:bnystrom@lirs.org) or 202-626-7943) or Human Rights First's Katharina Obser ([obserk@humanrightsfirst.org](mailto:obserk@humanrightsfirst.org) or 202-888-7596).

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cc: Members of the Senate Appropriations Committee  
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